

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES,

vs.

GLENN GRIFFIN,

Defendant.

Case No. 22-CR-00390 (VB)

**DECLARATION OF JEFFREY C. HOFFMAN
IN FURTHER SUPPORT OF DEFENDANT'S
MOTION TO WITHDRAW HIS PLEA**

I, JEFFREY C. HOFFMAN, hereby declare as follows:

1. I am counsel with the law firm of Windels Marx Lane & Mittendorf, LLP, attorneys for Defendant Glenn Griffin ("Mr. Griffin"). As such, I am fully familiar with the facts and circumstances stated herein.

2. I submit this declaration in further support of Defendant's Motions to Withdraw His Plea, which was entered on August 26, 2024 before the Honorable Victoria Reznik, Magistrate Judge, and subsequently accepted by this Court on September 10, 2024.

3. Annexed hereto as Exhibit A is a true and correct copy of the transcript of the hearing the Court conducted on December 5, 2024 (the "Hearing").

4. I began representing Mr. Griffin in or around September 2024, at which time I initiated efforts to obtain the case files and complete discovery materials (which is commonly referred to as "3500 material") from his previous counsel, Stephen McCarthy.

5. I was forced to repeatedly request the materials from Mr. McCarthy or his office over the course of several weeks, as reflected in the timeline below. These delays hampered my ability to conduct a timely and thorough review of the case and prepare the motion to withdraw the guilty plea.

6. Below is a timeline of the relevant events:

Date	Event
September 10, 2024	Mr. McCarthy emailed partial discovery to incoming counsel, which consisted of various witness statements.
September 16, 2024	Mr. McCarthy emailed additional 3500 material, consisting of additional multiple witness statements interviewed by the Government.
September 19, 2024	Incoming counsel received additional 3500 material from Mr. McCarthy via Dropbox links emailed to incoming counsel, which consisted of witness statements.
September 24, 2024	After multiple requests, Mr. McCarthy emailed incoming counsel a copy of the plea transcript.
October 2, 2024	Incoming counsel again requested any additional, remaining discovery Mr. McCarthy received from the Government.
October 10, 2024	Incoming counsel received Dropbox links from Mr. McCarthy that contained Government productions ##5-11.
October 15, 2024	Incoming counsel received a hard drive with 3 terabytes of additional discovery materials Mr. McCarthy represented were the earlier Government productions, which contained Arlo Lane Dump video surveillance footage and third party subpoena productions (including the bids related to the Croton Schools).
October 22, 2024	Mr. McCarthy provided a draft of the presentence investigation report.
November 4, 2024	Mr. McCarthy revealed he had additional ideas but refused to provide them without payment of his outstanding bill.

November 11, 2024	Mr. McCarthy conducted the follow up interview of Dena Burke and provided incoming counsel with a summary of the recantation of her grand jury testimony. (<i>See</i> Hoffman Decl., Ex. C [ECF No. 87-6].)
November 14, 2024	Final presentence report received.
November 21, 2024	Motion to withdraw filed by incoming counsel.

7. For example, on November 4, 2024, I received an email from Mr. Griffin’s counsel, Stephen McCarthy, informing me that he has “some excellent ideas” for Mr. Griffin’s motion and that “The moment that amount is paid in full, I’m on board 1,000%. A true and correct copy of this November 4, 2024 email, with its corresponding attachment, is annexed hereto as Exhibit B, which has been redacted to remove internal correspondence.

8. In numerous phone conversations between myself and Mr. McCarthy, he indicated that he would arrange for an interview with the Government’s primary civilian witness to the bribery allegations, Dena Burke, to obtain her recantation given his good relationship with her.

9. However, he did not conduct the interview during which he obtained the recantation until November 11, 2024. (*See* Hoffman Decl., Ex. C [ECF No. 87-6].)

10. Moreover, as evidenced by the timeline above, this was not done until after the November 4th email stating that he had “additional ideas” he would share once he was paid in full.

11. Mr. McCarthy’s delay in providing essential case materials and his apparent reluctance to fully assist Mr. Griffin absent further payment of an outstanding bill a mere two weeks before Mr. Griffin’s sentencing underscore the difficulties my team encountered in adequately addressing the issues with Mr. Griffin’s Plea.

12. Even though I endeavored to expeditiously review all the available discovery to assess whether there were valid grounds for this motion, this process still required time, given the volume of material and its piecemeal production by Mr. McCarthy.

WHEREFORE, I respectfully request that the Court grant Mr. Griffin's Motion to Withdraw his Plea.

Affirmed this 13th day of January 2025.

/s/ Jeffrey C. Hoffman

JEFFREY C. HOFFMAN